

REMARKS

I. The Restriction Requirement Under 35 U.S.C. 121 and 372

The Examiner required restriction of claims 1 to 9 to one of the following groups:

Group I: claims 1-3 and 7, drawn to a compound of formula (I);

Group II, claims 4-6, drawn to a method of treating a disease or disorder; and

Group III, claims 8-9, drawn to a metering valve device for intranasal delivery.

A single species election has also been required.

Applicants respectfully traverse the above restriction requirement, but provisionally elect Group I, claims 1-3 and 7, drawn to a compound of formula (I). Applicants further elect the species [2-(4-Chloro-thiazol-2-yl)-phenyl]-carbamic acid piperidin-4-ylmethyl ester to fulfill the species election requirement. Basis is found in claim 3, line 29, p 111. Applicants traverse the present requirement because it is not in accordance with the unity of invention standard set forth by the PCT.

PCT Rule 13.2 states that the unity of invention shall be fulfilled "when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. "It further defines "special technical features" as "those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art." In the present invention, contrary to the assertions of the Examiner, the technical relationship is provided by the common utility for the present compounds and the special technical feature is the structural feature provided by formula (I).

Hence, in the present invention, all alternatives have a common property (anti-muscarinic activity), and a basic core structure, represented by formula (I) that clearly exhibits a significant structural element of compounds.

Moreover, while applicants do not contend that the compounds of the present claims are not patentably distinct, they are so connected as to have arisen from a singular research effort. Accordingly, the present claims read upon a plurality of distinct, but related inventions and fully comply with the unity of invention criteria according to the PCT. They cannot, therefore, be further subdivided or restricted and must be included in a single application. The Examiner is therefore respectfully requested to reconsider and withdraw this restriction requirement, both for the groups cited as well as the single species.

Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned attorney at the number indicated below.

Respectfully submitted,



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